

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case No. 2546
)	
RICHARD URUCHURTU, D.O.)	ORDER OF REVOCATION
Holder of License No. 2720 for the)	OF LICENSE
practice of osteopathic medicine in the)	
State of Arizona.)	
_____)	

The above-captioned matter came before the Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") for consideration on December 12, 1998. Said proceedings were a result of a Summary Suspension Order issued by the Board on November 14, 1998 pursuant to A.R.S. § 32-1855. Richard Uruchurtu, D.O. (hereafter "Respondent") was duly notified of the administrative formal complaint proceeding. Respondent appeared before the Board on December 12, 1998 and provided testimony and evidence. On December 15, 1998 the Board's Executive Director notified the Board of some new information received regarding an additional allegation of unprofessional conduct. After hearing testimony on this issue at the Board's January 22, 1999 meeting, the Board reconsidered its previously adopted suspension, probation and censure order.

Following presentation of evidence and information to the Board, and the Board having considered all the evidence and information in the matter thus presented, and being fully advised, enters the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

I.

Respondent is a licensee of the Board and the holder of License No. 2720 for the practice of osteopathic medicine in the State of Arizona.

II

The following Information demonstrated that Respondent is medically and/or psychologically unable to safely and skillfully engage in the practice of medicine and committed one or more acts of unprofessional conduct as defined in A.R.S. § 32-1854:

a. On or about October 7, 1997, the Board received a telephone call from Respondent in which he admitted testing positive for the following drugs: amphetamines, benzodiazepines, and opiate metabolites at Yuma Regional Medical Center on September 25, 1997.

b. On October 13, 1997 Respondent voluntarily admitted himself into Springbrook Northwest Rehabilitation Center for a four-day in-patient evaluation for a possible substance abuse problem.

c. On October 17, 1997 the evaluation at Springbrook Northwest was completed. The patient and Executive Director were informed of the following: diagnosis was made including Opiate Dependence, Phentermine abuse and Ambien abuse. A treatment recommendation was made including primary treatment at a physician oriented facility, that the patient complete treatment prior to returning to work, and that the patient enter into a professional monitoring and continuing care plan under supervision by the Board.

d. On October 23, 1997 Respondent requested, due to his admitted addiction, that the Board allow him to enter into a Stipulated Consent Order for temporary suspension of his

license until such time it is determined that Respondent is healthy enough to be placed under a probationary order for monitoring and rehabilitation.

e. On November 11, 1997 Springbrook Northwest notified the Board's office that Respondent had left Springbrook Northwest without finishing his treatment program.

f. On November 13, 1997 Respondent telephoned the Board's office and informed Staff that he was going to finish his treatment at Charter Hospital in Palm Springs California. Respondent never entered treatment at Charter Hospital in Palm Springs.

g. On November 14, 1997 the Betty Ford Clinic in Palm Springs California notified the Board's office that Respondent was seeking outpatient treatment for his addiction. Respondent informed the Board's office that he would be entering into the program at the Betty Ford Clinic on November 24, 1997.

h. On December 1, 1997 a pharmacist at Smith's Pharmacy in Yuma, Arizona telephoned the Board's office and stated that Respondent had telephoned him to determine whether the drug Roxanal was in stock. Board Staff contacted both Respondent and the Betty Ford Clinic and informed them that the board had been made aware of the phone call between Respondent and the Pharmacy and that Respondent did not have legal authority to write any prescriptions due to his suspended license status.

i. On December 2, 1997 a prescription for 240 cc Roxamol elixir 20 mg/ml was filled at the Yuma Smith's Pharmacy for Rosie West (Respondent's girlfriend). Respondent wrote the prescription.

j. On December 8, 1997 the Betty Ford Clinic released Respondent from the outpatient treatment program for noncompliance of his existing Stipulated Consent Order for violating federal

drug laws.

k. On December 13, 1997 the Board held a public meeting to determine whether or not Respondent had violated the terms and conditions of his Stipulated Consent Order. Respondent agreed, at the December 13, 1997 meeting, to reenter the program at Springbrook Northwest immediately. The Board stated that should Respondent not enter the in-patient rehabilitation program at Springbrook Northwest immediately, he would be brought before the Board for a formal complaint hearing to consider suspension or revocation of his license due to violation of the terms and conditions of his Stipulated Consent Order and the fact that he wrote a prescription for a narcotic without a valid license.

l. On January 30, 1997 the Board voted at a public meeting to issue a Complaint and hold an administrative hearing involving the possible violation of Respondent's Stipulated Consent Order and writing of a prescription for a narcotic without a valid license. The formal complaint hearing was held on April 18, 1998 and the Board issued a Letter of Concern.

m. On July 15, 1998 Respondent entered into a Stipulated Consent Order requiring a five-year probation with terms and conditions for monitoring. The terms and conditions required in Respondent's Stipulated Consent Order require random urine drug screens and abstention of all drugs and alcohol, unless prescribed by his treating physician. See attached Exhibit A, which is incorporated herein by reference. The Stipulated Consent Order for probation arose out of Respondent's substance abuse of a controlled substance.

n. On November 3, 1998 and November 10, 1998 Respondent tested positive for opiates/morphine on his random urine drug screens.

o. Pursuant to paragraph (7) of the Board's July 15, 1998 Stipulated Consent Order, Respondent was ordered to "abstain completely from the consumption of alcoholic beverages; and, not consume illicit drugs or take any controlled substances (i.e. prescription only drugs), unless such medication is prescribed for him by his treating physician." The information available to the Board demonstrates that Respondent violated the Board's probationary order by consuming morphine. Specifically, biological fluid testing conducted on the following dates were positive for the identified substances:

1. Biological fluid sample collected on November 3, 1998 confirmed the presence of opiates/morphine. Laboratory analysis was conducted by Southwest Laboratories, Inc.
2. Biological fluid sample collected on November 10, 1998 tested positive for opiates/morphine. Laboratory analysis conducted by Southwest Laboratories, Inc.

p. Respondent denied use or knowledge of how morphine was found in the biological fluid samples collected on November 3 and November 10, 1998.

q. After Respondent's summary suspension on November 14, 1998, Board Staff received information, that was confirmed by Respondent that Respondent practiced medicine the week of November 16-20, 1998 while his license was suspended in violation of the Board's order.

r. After Respondent's appearance at the formal complaint proceedings on December 12, 1998 information was received from a pharmacist in Yuma AZ that Respondent's girlfriend Rosie West had attempted to have a prescription written by Respondent filled for Roxanol. Respondent admitted to writing the prescription by stated that the prescription had been written prior to his summary suspension of November 14, 1998.

s. The new information received after the December 12, 1998 formal administrative complaint hearing is was in direct contradiction to Respondent's testimony at the December 12, 1998 hearing wherein Respondent and Rosie West had testified under oath that Respondent hadn't written any Roxanol for Rosie West since December 1997. The Board found that the prior testimony of December 12, 1998 was not truthful and misleading.

CONCLUSIONS OF LAW

1. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of osteopathic Examiners in medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. Respondent engaged in unprofessional conduct as defined in A.R.S. §32-1854:
 - (3) Practicing medicine while under the influence of alcohol, narcotic or hypnotic drugs or any substance that impairs or may impair the licensee's ability to safely and skillfully practice medicine.
 - (5) Prescribing, dispensing or administering controlled substances or prescription only drugs for other than accepted therapeutic purposes.
 - (6) Engaging in the practice of medicine in a manner that harms or may harm a patient or that the board determines falls below the community standard.
 - (15) Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine except as the same may be necessary for accepted therapeutic purposes.
 - (19) Any conduct or practice contrary to recognized standards of ethics of the osteopathic medical profession.

- (20) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of the provisions of this chapter.
- (21) Using controlled substances or prescription-only drugs unless they are provided by a medical practitioner, as defined in section 32-1901, as part of a lawful course of treatment
- (26) Violating a formal order, probation or a stipulation issued by the board under this chapter.
- (37) Violating a federal law, a state law or a rule applicable to the practice of medicine.
- (40) Any conduct or practice that endangers a patient's or the public health or may reasonably be expected to do so.
- (41) Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or that may reasonably be expected to do so.

ORDER

Pursuant to the authority vested in the Board by A.R.S. § 32-1855(J), **IT IS ORDERED**

THAT:

1. The license to practice as an osteopathic physician in the State of Arizona that was issued to Richard Uruchurtu, D.O. ("Respondent") is hereby is **REVOKED**; and, pursuant to A.R.S. § 32-1822(F), a person who has had his license revoked may apply for a license two (2) years after revocation.

All parties are advised that they may file a Motion for Rehearing pursuant to A.A.C. R4-22-106 and that the filing of a Motion for Rehearing is a prerequisite of judicial review.

ISSUED this 22nd day of January, 1999.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Ann Marie Berger
Ann Marie Berger, Executive Director
9535 E. Doubletree Ranch Road
Scottsdale AZ 85258
(602) 657-7703

A copy is hereby served by
Certified Mail this 23 day
of January, 1999 to:

Richard Uruchurtu, D.O.
1322 W. Ridgeview Dr.
Yuma AZ 85364

Copy mailed this 23 day
of January, 1999 to:

Blair Driggs
Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix AZ 85007 (w/enclosure)

Tim Martin
DEA
3010 N. 2nd Street, Suite 301
Phoenix AZ 85012

Arizona Pharmacy Board
5060 N. 19th Ave., Suite 101
Phoenix AZ 85015

Anita Boyd